



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/424,430	04/21/95	ENMEI T	

TOSHIHARU ENMEI, C/O
ADACHI INTERNATIONAL
NAGOYASENI BUILDING, 9-27
NISHIKI 2-CHOME
460 NAKA KU NAGOYA
JAPAN

LM51/1113

AIR MAIL

EXAMINER

SHANKAR, V

ART UNIT PAPER NUMBER

2775

9

DATE MAILED: 11/13/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

Applicant(s)

Examiner

Group Art Unit

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 30 days MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 4-21-95
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-33 is/are pending in the application.
- Of the above claim(s) 23-25 is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☐ Claim(s) _____ is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☒ Claim(s) 1-22, 26-33 are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

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DETAILED ACTION

Election/Restriction

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-4,11-14,27 and 33, drawn to a portable communicator and portable computer comprising pen input means able to enter character or drawing information by operating a pen, classified in class 178, subclass 19.01.
 - II. Claims 5-10,26, and 29-32, drawn to the communicator and a portable computer with position coordinate data input means for entering position coordinate data from a GPS user unit held in the housing, selection means for selecting the transmission number of the addressee nearest to the current position from a plurality of individuals, companies, based on the position coordinate data of the position coordinate data input means , classified in class 345, subclass 174.
 - III. Claims 15-21 and 28, drawn to a portable computer comprising display means for displaying information regarding the item to be selected , image database,image detection means,image retrieval means for retrieving from the image data base, display control means for displaying identification marker on the item displayed by the display means, classified in class 345, subclass 156.

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IV. Claim 22, drawn to a pen input unit provided with pen input means , classified in class 178, subclass 18.01.

2. The inventions are distinct, each from the other because of the following reasons:

Inventions I-VIII are disclosed as different combinations which are not connected in design, operation or effect. These combinations are independent if it can be shown that (1) they are not disclosed as capable of use together, (2) they have different modes of operation, (3) they have different functions, or (4) they have different effects. (MPEP 806.04, MPEP 808.01). In the instant case the combinations are based on vastly different functions ranging from a portable communicator and portable computer comprising pen input means able to enter character or drawing information by operating a pen; the communicator and a portable computer with position coordinate data input means for entering position coordinate data from a GPS user unit held in the housing, selection means for selecting the transmission number of the addressee nearest to the current position from a plurality of individuals, companies, based on the position coordinate data of the position coordinate data input means; a portable computer comprising display means for displaying information regarding the item to be selected , image database, image detection means, image retrieval means for retrieving from the image data base, display control means for displaying identification marker on the item displayed by the display means; a pen input unit provided with pen input means.

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3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
4. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II-IV, restriction for examination purposes as indicated is proper.
5. Because these inventions are distinct for the reasons given above and the search required for Group II is not required for Group I and III-IV, restriction for examination purposes as indicated is proper.
6. Because these inventions are distinct for the reasons given above and the search required for Group III is not required for Group I,II,IV, restriction for examination purposes as indicated is proper.
7. Because these inventions are distinct for the reasons given above and the search required for Group IV is not required for Group I-III, restriction for examination purposes as indicated is proper.

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8. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

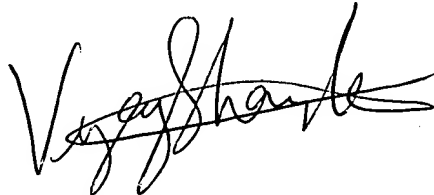
9. Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.

10. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. § 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 C.F.R. § 1.48(b) and by the fee required under 37 C.F.R. § 1.17(h).

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VIJAY SHANKAR whose telephone number is (703)305-4763.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)305-3900. The Group's new FAX number is (703)308-9051. This FAX number is to be used only for Group 2700 papers.

A handwritten signature in black ink, appearing to read 'Vijay Shankar', with a horizontal line drawn across the middle of the signature.

VIJAY SHANKAR
PRIMARY EXAMINER
GROUP 2700